

June 1, 2015



**Talbot County Planning Commission**  
**Final Special Meeting**

Wednesday, January 29, 2015 at 6:00 p.m.

Bradley Meeting Room

11 N. Washington Street, Easton, Maryland

**Attendance:**

Commission Members:

Thomas Hughes  
William Boicourt  
Michael Sullivan  
Paul Spies  
Jack Fischer

Staff:

Mary Kay Verdery, Planning Officer  
Jeremy Rothwell, Planner I  
Martin Sokolich, Long Range Planner  
Mike Pullen, County Attorney  
Carole Sellman, Recording Secretary

**1. Call to Order**—Commissioner Hughes called the special meeting to order at 6:00 p.m.

**2. New Business**

**a. Recommendation of Interim Status Report on Local 2015 TMDL Milestones**

Mr. Sokolich introduced the interim report of the TMDL milestones. This is the halfway point report for the 2014-2015 milestones. The milestones were submitted to the Commission a year ago. Most of the work to this point has been for research, trying to find funding, determine costs, determining the status of BMPs whether they can be counted, and how they would be counted; coordinating with towns and other organizations. On the last page there are amounts of actual BMPs in place, connections to wastewater treatment plant in St. Michaels and the denitrification systems installed, a report of the interim progress. Next year will be a final report for 2014/2015 with detailed numbers and submit milestone proposal for 2016/201.

Commissioner Boicourt moved to table the TMDL report until the next Planning Commission meeting on February 4, 2015, Commissioner Spies seconded. The motion carried unanimously.

**b. Comprehensive Plan**

Mr. Sokolich gave a brief introduction of the Comprehensive Plan. This revised draft includes new state and other mandates that were required to go into the plan, updated census figures and other new data. This process began in 2011; there were some Planning requirements that came in the interim. The County Council appointed twelve committees to review individual chapters at that time and we

54 worked to review them as the planning staff created a draft of the Plan and  
55 presented it to the Planning Commission; which reviewed it over six months and  
56 held special work sessions to edit it for clarity and accuracy. The number of  
57 chapters has been reduced from thirteen to nine. Major revisions were made to  
58 include the water resources element, the priority preservation element, the TMDL  
59 requirement and the Tier Maps. The Plan was submitted for state review in the  
60 Spring of 2014 and was sent out to all of the state agencies for the inter-  
61 governmental review process, as well as surrounding counties. We received  
62 comments within sixty days and there were no major objections or cautions for  
63 anything within the draft Plan. We are now in the initial adoption phase of this  
64 Plan.

65  
66 Commissioner Hughes opened the floor to public comments. He stated that  
67 individuals would be given 3 minutes to speak; if representing a group you will be  
68 given 5 minutes, or you may leave written comments with the staff.

69  
70 Linda Makosky—worked on 2005 Comprehensive Plan, the committees, the staff,  
71 planners, and Planning Commission did a wonderful job bringing the Plan up to  
72 date and putting all the things in that the state required. It is easy to follow, good  
73 looking, and she strongly supports it just the way it is.

74  
75 Margaret Young, St. Michaels, MD—the updates are good and important, great  
76 job overall. One point of concern: the map of St. Michaels. The overall land use  
77 plan on the west side of the County, you will see one giant yellow spot and this is  
78 the future growth area just north of St. Michaels, off of Route 33 across from the  
79 yacht club and that was not there in 2005. In 2005 that was Countryside  
80 Preservation and that was not expected to grow. I am upset that this is now  
81 considered an area of future growth. This is an area that can be difficult on traffic,  
82 it is important to maintain what was in the plan of 2005. This plan is an update  
83 and should not make dramatic changes.

84  
85 Commissioner Hughes stated the St. Michaels Town Commissioners asked for  
86 this change. Part of the reason is that there are some properties on Rolles Range  
87 Road that they want to get on sewer and they want to clean up the boundary. This  
88 item may or may not be revisited depending on the amount of public input. He has  
89 visited that area and it is exceedingly wet and does not seem to be a particularly  
90 good place for future development.

91  
92 Les Roslund, Copperville near Tunis Mills—pretty active with the 2005 Plan.  
93 Wanted to represent the hundred people who worked hard on the 2005 Plan and is  
94 carefully watching this Plan, and interested that the key features are retained even  
95 as revisions occur. He is interested in rural character and was fearful that concept  
96 would slip by, and he will be watching to see how that will come out in this next  
97 cycle.  
98

99 Phil Jones, St. Michaels Road, St. Michaels—was impressed, until he got to the  
100 growth areas on the St. Michaels map. It is extremely wet, hydric soils and it is  
101 not the right kind of place to have that kind of development. It is a wildlife  
102 corridor. It goes from Broad Creek to Miles River, you have turkey, eagles, deer,  
103 coyote, foxes. This is an area that should not be developed. When you talk about  
104 smart growth there is no developed part of St. Michaels next to this. To the north  
105 is a farm that was annexed. Two-thirds of farm is under conservation easement  
106 and cannot be developed. The rest of it is 10 estate lots; none of those lots are  
107 contiguous with these areas for growth; the conservation land is contiguous.

108  
109 Commissioner Hughes asked that anyone who has a disagreement with the St.  
110 Michaels growth area parcel contact the St. Michaels Town Commissioners as it  
111 was their request; to include the land on the west side of St. Michaels into the  
112 growth area.

113  
114 Frank Cavanaugh, St. Michaels Road, Newcomb—also a member of 2005  
115 Comprehensive Plan Committee. Commended the Planning Commission and  
116 staff. This updated Plan clarifies and continues to direct the County in a positive  
117 way. Orders our growth in appropriate areas and bars it from inappropriate areas.

118  
119 John Masone, Pea Neck Road, St. Michaels—helped develop 2005 plan. He  
120 expressed general support for the Plan, only one major issue. He expressed a  
121 serious concern with the lack of access to telecommunications service in rural  
122 areas. This problem needs to be addressed in the new Comprehensive Plan and he  
123 does not believe it has been. This is not because we want faster downloads or  
124 more movie entertainment, but for public safety. Reliance on wireless has  
125 expanded in the last 13 years. He worries that reaching 911 in case of an  
126 emergency would never happen. We are in a flatland and the microwave signal is  
127 blocked by trees and leaves. There is nothing about a pole, post or tower in the  
128 rural landscape that adversely affects Talbot County. He stated he lives on Pea  
129 Neck Road and it is a very rural road; from Route 33 to his driveway there are 46  
130 electric poles 40 feet high. What makes a tower containing telephone  
131 communications on it more unsightly or less rural than the thousands of poles  
132 now existing in Talbot County. Clearly the plan is negligent in this area. He urged  
133 the Planning Commission and County Council to set goals which will  
134 aggressively seek ways to improve rural access to wireless communications to all  
135 our citizens and all our visitors. It is not just a convenience or quality of life issue,  
136 it could be a matter of life or death. Commissioner Hughes stated that there is  
137 language in the Comprehensive Plan regarding better internet and wireless. Mr.  
138 Sokolich stated there were recommendations and explained the map which shows  
139 the areas that are targeted as priority placement areas.

140  
141 James Price, resident of Talbot County, President Chesapeake Bay Ethological  
142 Foundation, here to represent 30 former State Highway Administration  
143 employees, and to let the Commission know of his concern about future  
144 development in several areas in Talbot County. One of them-7857 Ocean

Gateway, the former location of the State Highway Administration's Eastern Regional laboratory. There was a carcinogen removed from that location and moved to another location owned by State Highway Administration in Cordova. This proposes a potential health threat to anyone building any homes or working in any commercial buildings in both areas. The area in Lewistown Road was recently tested and the chemical was found in the soil. This chemical can travel up to a mile from its original location and down 1,000 feet. It is estimated that 10,000-15,000 gallons were dumped in Easton. He stated he wanted to make sure the Commission knew of this due to his concerns. Maryland Department of the Environment only tested within 150 feet of location. No homes within any distance of this property were tested. Vapor intrusion can enter a home from this product but no testing has ever been done for this. Drinking water can also be affected by this product. Easton Utilities has been contacted and they said it has not shown up. Mr. Price felt that an adequate number of wells had not been tested. Maryland Department of the Environment has agreed to do further testing, but there is no time frame as to when it will start. He stated they have also contacted the Talbot County Health Department. A number of the former employees have suffered serious health issues, some have died, and they believe it is connected to exposure. Initial site, 7857 Ocean Gateway, on Route 50, the second site off Lewistown Road brought by Mr. Blizzard, who was not told that the property was used as a disposal site. The chemical is trichloroethylene which was used to remove asphalt from the samples taken from the highways and used as a degreaser.

John Swain, farmer, Royal Oak—served on 2005 update, has concerns about Village of Royal Oak and zoning issues, Darby Farm. Seemed in 2005 the thought was that the Villages was where the growth was to be concentrated in the County. From new update, the proposal is to take the growth away from Royal Oak Village. Concerned that is where growth should go.

Jeanne Bryan, Royal Oak, acknowledged the staff for their formatting improvements, made this version much easier to read. This is a significant change/version and the 2-3 week period is not an adequate time to complete review. Map 2-14 depicts the property she and her brother own known as Darby, as critical area for land use policy. What is critical area as a land use? The property resides entirely in a state and county approved priority funding area and an S1 sewer service area with broadband cable. It is mapped by the Critical Area Commission as a LDA whose definition is to allow low to moderate development. This property is surrounded by existing development and adjoins commercial properties such as the Royal Oak Post Office and Royal Oak Community Church. It is within walking distance of other community properties such as the Oaks, the General Store and Oak Creek Sales and lays in school districts operating below ideal capacity. It does not make good economic policy or good land use planning to strip our property of its current village center zoning when this property contains the necessary infrastructure for infill development. Page 2-14 discusses the Maryland Sustainable Growth and Preservation Act as SB-236. The

191 definitions do not correspond to Maryland state law. Tier 1 was to identify  
192 existing sewer areas, Tier 2 for areas planned for sewer, Tier 3 development in  
193 rural villages on septic and Tier 4 preservation areas. In no uncertain terms does  
194 Tier 4 apply to areas with existing sewer. Map 2-15, Tier Designations, must be  
195 correctly updated to apply the Maryland State definitions, especially removing the  
196 Tier 4 designation from any part of her property located in an S1 sewer service  
197 area. Chapter 9, Appendix A, Village Center, proposed Map A-12 Newcomb and  
198 Royal Oak illustrates a majority of her property being stripped of its current VC  
199 zoning. This property has the entire infrastructure appropriate for infill and has  
200 long been considered part of the Royal Oak Village. It is served by the Region II  
201 wastewater plant that operates below fifty percent capacity. Stripping her property  
202 of the VC zoning devalues her property and limits her children's opportunities.  
203 With this just released draft they are now looking to lose all hopes of providing a  
204 college fund for their children as well as a place for them to come back and build  
205 homes and small businesses.

206  
207 Taylor Bryan, Jeanne Bryan's daughter: the proposed changes for the property  
208 that her mother and uncle own, will limit her future opportunities to live and have  
209 a small business. Going to college out of state and she wants to come back and  
210 have her own business. Really hope we will reconsider.

211  
212 Jeff Smith, absentee owner of property on Station Road in Newcomb, applied for  
213 a subdivision in 2012. In middle of process it was discovered that there was a  
214 paper road. During that time there was a moratorium the subdivision application  
215 and extension expired. He feels he should have received a one year credit which is  
216 how long it took to get rid of the paper road. He stated he was told he could  
217 appeal it but was told by a County employee would probably not win appeal.  
218 Where do we stand in getting rid of moratorium? Commissioner Hughes referred  
219 him to discuss it with Mr. Pullen after the meeting.

220  
221 Mr. Harry Shaw, Arcadia Shores, stated pretty good job of preserving the  
222 character of the County and of holding development. The traffic situation is  
223 difficult; it is more and more dangerous to get on Route 33. In general the County  
224 government has done a good job preserving the basic character that makes the  
225 County so special.

226  
227 Dan Watson, resident of Talbot County—thanks to Mr. Price for speaking up  
228 about trichloroethylene problem. Mr. Swain stated his belief was that (according  
229 to) the 2005 plan the villages was where growth was primarily to be located, but it  
230 was Mr. Watson's recollection that growth was to be primarily located within the  
231 incorporated towns but in the villages only in the context of infill growth; but not  
232 as to materially affect the quality and character of these historic villages. The  
233 proposed plan is a well written document and expresses the guidance that should  
234 lead the County, as contemplated in 2005 and should take us into an extended  
235 period.

Ms. Bonnie Sommers, Newcomb, has lived here 70 years. She stated she has seen tremendous changes. The villages have changed tremendously and they need to continuously change. If they do not change with the times they are going to die. She stated that they had been tough on the villages with a lot of restrictions. She wanted to know where the zoning classifications come from. There seems to have been a disconnect. Villagers want no part of village classifications. There has never been a reason why there were three village designations, a village is a village or it's not a village. You talk about preserving community character, when you changed the boundaries of Royal Oak when the sewer came through and included Hopkins Neck that changed the character. She questioned the language "websites, publications, social medial and marketing"; about the villages, she asked were the villages to be a tourist attraction?

Mr. Greg Gannon—does not recall in the Longwoods, Cordova, or Skipton meetings seeking a change to move to one of the other village designations. Everyone has been pretty happy with what they have had for the past 25 years. Longwoods Village in the new plat Map A8, there is a pretty severe reduction in the area that is logical in that it was too large before. At the same time it needs a little more focus if we are granting more dense zoning for land that is encumbered by a preservation easement. Commissioner Fischer asked if Mr. Gannon had supplied Martin with a marked-up map.

Commissioner Hughes reminded everyone there is another public meeting after the regular agenda on February 4<sup>th</sup>; he promised not to start the public hearing until at least 10 a.m. Please get any written comments to the staff by end of business on February 2, 2015. The Commission may or may not act on the 4<sup>th</sup>. A tentatively scheduled continuation meeting is set for the 5<sup>th</sup>. There will be future hearings before the County Council. This is still a work in progress.

For the record Ms. Verdery stated receipt of written comments from Peter Johnston; it is not dated. Primary concern was traffic on Dutchmans Lane.

Motioned by Commissioner Boicourt, Commission Fischer seconded to continue this meeting on February 4, 2015. Motion carried unanimously.

**9. Adjournment**—Commissioner Hughes adjourned the meeting Planning Commission meeting at 7:14 p.m.